

Notice of Allowability

Application No.

10/784,002

Examiner

Sanza L. McClendon

Applicant(s)

BULLUCK ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to JUne 5, 2006.
2. ☒ The allowed claim(s) is/are 35-44 and 46-55.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on June 5, 2006, the examiner has carefully considered the amendments.

Response to Arguments

2. Applicant's arguments, see Remarks, filed June 5, 2006, with respect to claims 35-44 and 46-55 have been fully considered and are persuasive. The rejection of claims 35-44 and 46-55 under 35 USC 103(a) as being unpatentable over Smith et al (5,166,007) in view of Leppard et al (5,767,169) has been withdrawn. Upon reconsideration and in view of applicant's arguments, it has been deemed that Smith et al, alone or in combination, fails to render the instantly claimed invention. Smith et al is deficient in guidance for a skilled artisan to use the repair composition (of Smith et al) to specifically repair a hole in the exterior of an airplane—see column 2, lines 27-30. Smith et al is also deficient in teaching acrylic **oligomers** with acrylic monomers and a photoinitiator in formulations for repairing holes in the exterior of an airplane. As pointed out by applicant Smith et al teaches resins, which are not oligomers, but high polymers having a plurality of repeat units; wherein oligomers are polymers have only a few repeat units. Additionally, Smith et al is deficient in teaching a step of creating a vacuum across a UV curable composition used in a method for repairing a hole in the exterior of an airplane. The examiner does not expressly agree with applicant's statements regarding Figure 3, columns 4, lines 9-16 and column 8, lines 41-46, since Smith et al teaches that said photocurable composition used in Figure 3 can be the same photocurable composition used to make the patch in column 8, lines 12-16. However, these statements are moot since Smith et al fails to render applicant's method and composition obvious. Leppard et al fails to remedy the deficiencies of Smith et al. Accordingly, it is deemed that the prior art made of record, taken alone or in combination, fails to teach the methods as instantly claimed in claims 35 and 46.

Allowable Subject Matter

3. Claims 35-44 and 46-55 are allowed.

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4. The following is an examiner's statement of reasons for allowance: see above remarks.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SANZA L. MCCLENDON
PATENT EXAMINER
Sanza L. McClendon

Examiner

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James Seidleck
7/24/06

SMc